

Index of variances/waivers issued Hurricane Gustav - September 1, 2008 by environmental agencies.

9/16/2008 4:01 PM
By: Gretchen Soniat

	A	B	C	D	E	F
	Facility/Site Variance Requested For OR Waiver Issued by Environ. Department/Agency	Nature of Variance (Request)	Date of Request	Response	Expiration Date	Response Date
1						
2	Marathon Petroleum Company LLC - LA Refining Division - Garyville Refinery	Variance to store sulfur on a concrete pad until it becomes safe to resume transportation after the hurricane. The temporary sulfur storage will only be implemented after MPC had exhausted all other means for getting molten sulfur trucked out of the refinery and only if, due to hurricane, disruption of trucking operation occurs. The variance will also address shutdown of the refinery in the event Hurricane Gustav creates unsafe operating conditions. Any shutdown should occur no earlier than August 31 and last approximately 2 to 3 days.	8/26/2008	Approved under LAC 33:III.917 subject to the following conditions: 1) This variance expires September 10, 2008. 2) The temporary sulfur storage shall only be implemented after MPC had exhausted all other means for getting molten sulfur trucked out of the refinery and only if, due to hurricane, disruption of trucking operation occurs. A variance does not authorize the maintenance of a nuisance or a danger to public health and safety.	9/10/2008	8/29/2008
3	Union Carbide Corp - St. Charles Operations	Requesting to run the Energy Systems Cogen turbines at a minimal load, for a period of seven days or 168 hours.	8/28/2008	Approved under LAC 33:III.917, subject to following condition: This variance expires November 30, 2008. A variance does not authorize the maintenance of a nuisance or a danger to public health and safety. This variance applies only to the state regulation(s) specified, which may include the adoption by reference of certain federal regulations. Upon adoption by reference, federal regulations also become state regulations and are enforceable by the state. The state has received delegation of the federal program(s) identified in this variance. Adoption of federal regulations by the state in no way voids or diminishes federal enforcement authority with respect to the federal regulations. EPA retains oversight of the federal program and may institute enforcement action independent from the state.	11/30/2008	8/29/2008

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.**

9/16/2008 4:01 PM
By: Gretchen Soniat

	A	B	C	D	E	F
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1						
4	ExxonMobil Chemical Company - Baton Rouge Chemical Plant	Requested a variance on the fuel gases that may be burned in combustion sources at the Baton Rouge Chemical Plant (BRCP) and the Baton Rouge Refinery (BRRF) due to the impending effects of Hurricane Gustav.	8/28/2008	Approved under LAC 33:III.917, subject to the following conditions: ExxonMobil shall notify the Single Point of Contact (SPOC) of LDEQ at (225) 219-3640 prior to utilizing alternative fuel gas options and record the total alternative fuel usage and the total SO ₂ emissions resulting from this usage. Records shall be submitted to LDEQ within 30 days after alternative fuel usage has been discontinued. This variance expires September 15, 2008, or upon return of availability of natural gas. A variance does not authorize the maintenance of a nuisance or a danger to public health and safety.	9/15/2008	8/29/2008

Index of variances/waivers issued Hurricane Gustav - September 1, 2008 by environmental agencies.

9/16/2008 4:01 PM
By: Gretchen Soniat

	A	B	C	D	E	F
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1						
5	Louisiana Pigment Company, LP Titanium Dioxide Plant	Requesting to temporarily operate several diesel fired generators and compressors from the time of any order to evacuate until normal power can be restored. Requesting that the Desulfurization Unit and the Off-Gas control devices and associated CEMS be allowed to be bypassed from the time of any order to evacuate until the facility has time to recover from the effects of the hurricane.	8/29/2008	Approved Under LAC 33:III.917, subject to following condition: 1) This variance expires October 1, 2008, or whenever the facility equipment, including control and associated monitoring and recordkeeping equipment is repaired and operating properly, whichever comes first. 2) The facility shall work diligently to bring the Desulfurization Unit and the Off-Gas Incenerators back into proper operation as quickly as feasible. 3) The facility shall work diligently to bring the Off-Gas Incinerators CEMs back into proper operation as quickly as feasible, PSD - LA - 553 (M-6) requirement. 4) Upon reasonable indications that an order to evacuate will occur, the facility is allowed to prepare for and operate the Chlorinators in air idle mode for an average of twelve hours per day during this variance period, after an initial operating period of 24 hours upon evacuation. 5) The facility shall keep a record of all efforts to bring the facility into compliance with the issued permit. The records shall clearly identify those actions that were taken in accordance with 40 CFR 70.6(g) Emergency Provisions, and those actions taken with respect to this permit variance. 6) The facility shall perform a final process engineering calculation at the end of the variance period to estimate the emissions from the chlorinator based upon actual operations without the control devices and CEMs operational. All records for this variance shall be maintained on site and made available to EPA or LDEQ personnel upon request for a period of two years. 7) This variance applies only to the state regulation(s) specified, which may include the adoption by reference of certain federal regulations. Upon adoption by reference, federal regulations also become state regulations and are enforceable by the state. The state has received delegation of the federal program(s) identified in this variance.	10/1/2008	8/30/2008

Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.

9/16/2008 4:01 PM
By: Gretchen Soniat

	A	B	C	D	E	F
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1						
6	Valero	Request for enforcement discretion	8/31/2008	Facility needs to submit additional information, including a request for <i>force majeure</i> for consent decree issues per the provisions of the consent decree.		9/6/2008
7	ExxonMobil Refinery	Requesting enforcement discretion and endorsement of intent to increase firing rates on CO Furnaces with Catalytic Cracking Operations to maintain steam demand to keep refinery operations on-line. The increased firing will result in exceedances of CO emission limits for both Title V Operating Permit and the New Source Review.	9/1/2008	Enforcement discretion granted. Facility asked to provide update as soon as able.		9/1/2008
8	Motiva Norco Refinery	Variance from requirement to repair fugitive emission components that have been placed on "Delay of Repair."	9/2/2008	Approved		9/2/2008
9	ExxonMobil Refinery	Requesting variance to restart the Sour Water Stripper which removes sulfur compounds from the process use waters prior to treatment in the wastewater treatment units. The tower vent stream	9/2/2008	Enforcement discretion granted. Facility is to send an update when complete.		9/2/2008

Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.

9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
10	Entergy	Entergy is going into the coastal areas to do repairs on infrastructure and inquired about the storm water permit rules for these sites since they will not have time to do NOI's and effect quick repairs.	9/2/2008	Entergy advised to do what needs to be done to get power restored. Entergy can do a notification through SPOC that they have begun. Advised to follow as much of the permit requirements as practical; complete paperwork as soon as possible. Enforcement discretion can be employed as necessary.		9/2/2008
11	Entergy Gulf States Louisiana, L.L.C. Louisiana Station #1	Requested temporary variance to start-up and operate Turbine 5A at low load 16MW, which yields NOx maximum hourly emissions greater than the permitted limits.	9/3/2008			
12	Louisiana Generating (Big Cajun 1, Bayou Cove and Big Cajun 2)	Requesting to operate at reduced levels, if necessary, which may cause emissions exceedances over the limits in their air permits.	9/4/2008	Approved. Follow up with written documents as soon as possible.		9/4/2008

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.**

9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
13	Cabot Corporation, Canal Plant (Franklin, Saint Mary Parish)	Requesting a variance for the operation of Nitrogen Oxide (NOx) analyzer which has incurred severe damage due to hurricane Gustav. To continue ensuring compliance with NOx permit limits, Cabot will use a computer modeling based on mass balance calculations over the entire facility which will accurately estimate the quantity of NOx emitted. Results from stack tests and the NOx monitor indicate that the facility operates significantly below the NOx permit limit. The NOx monitor is a requirement under LAC.33.III.501.C.6 therefore is not a requirement under a federal or a specific state regulation. Because of the unique design of the equipment and the logistic limitations due to hurricane Gustav, Cabot anticipates that it will be approximately 6 months before the NOx analyzer will be completely operational as required by the permit. Therefore, Cabot requests that this variance be awarded for 6 months.	9/4/2008	The request was approved for a period of three months. The facility may reassess repair time within this period and revise the timeframe as needed.	12/4/2008	9/4/2008

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.**

9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
14	Jefferson Parish Landfill	Facility is submitting email notification that the landfill operating hours will be extended to receive debris related to Hurricane Gustav. Jefferson Parish Landfill is currently permitted to operate 12 hours per day Monday through Saturday and a partial day on Sundays. This request is to extend the operating hours from 4:30 am to 8:00 pm Monday through Sunday to accommodate anticipated increases in residential garbage that will resume and debris cleanup efforts. The facility asserts that it is equipped with the necessary labor and equipment to receive the waste during the extended hours. This extension is requested through the duration of the Emergency Order issued by the Department.	9/4/2008	The request to extend operating hours was approved. Facility is to provide written notification as soon as possible.		9/4/2008
15	Murphy Oil Corporation	Providing emergency authorities and responders access to temporary fueling facilities.	9/4/2008	Approved.		9/4/2008

Index of variances/waivers issued Hurricane Gustav - September 1, 2008 by environmental agencies.

9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
16	Enterprise Products Operating LLC	Requesting variance for emergency generators.	9/4/2008			
17	TLA Killona Landfill	Requesting an increase hours of operation	9/4/2008			
18	Rubicon	Request to bring in 3 generators and variance for unpermitted emissions.	9/4/2008			
19	North Landfill City of Baton Rouge/Parish of East Baton Rouge	Requesting change in operating hours by adding Sunday from 5:30 am to 3:00 pm.	9/5/2008	Approved.		9/5/2008
20	East Baton Rouge Renewable Energy Center	Requesting variance to malfunction start-up requirement of 5 days for GCCS. Facility anticipates restarting the GCCS within 12 days after shut-down, by September 12, 2008	9/5/2008	Approved effective today. Complete appropriate paperwork ASAP. Facility is to request enforcement discretion for events that have occurred.		9/6/2008
21	D&J Fill	Requesting to re-open facility on an emergency basis to accept storm debris.	9/5/2008	The request to re-open D&J on an emergency basis to receive storm debris from Hurricane Gustav was DENIED.		9/6/2008
22	City of New Orleans	City of New Orleans is resuming Hurricane Katrina demolitions in New Orleans and requested protocol for demos related to Hurricane Gustav.	9/5/2008	The City was provided with the following information: Houses and other structures that are "structurally unsound and in imminent danger of collapse" may be demolished as a Regulated Asbestos Containing Material (RACM) demolition immediately. An Asbestos		9/6/2008

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.**

9/16/2008 4:01 PM
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	A	B	C	D	E	F
	Facility/Site Variance Requested For OR Waiver Issued by Environ. Department/Agency	Nature of Variance (Request)	Date of Request	Response	Expiration Date	Response Date
1						
23	North Landfill City of Baton Rouge/Parish of East Baton Rouge	Requesting variance to malfunction start-up requirement of 5 days for GCCS. Facility anticipates restarting the GCCS within 12 days after shut-down, by September 12, 2008.	9/5/2008	Approved. Facility to complete appropriate paperwork ASAP and to submit request for enforcement discretion for events that have occurred.		9/6/2008
24	Woodside Landfill and Recycling Center Reliable Landfill, LLC	Notification that vegetative debris, recyclables, and other storm debris will be segregated and staged temporarily with the facility property boundaries for subsequent volume and weight reduction (chipping, grinding, recycling and/or air curtain destruction)	9/5/2008	Approved. Facility to submit all required forms as soon as possible, and to keep daily records of estimates of woodwaste received, ground, etc. and report to LDEQ.		9/5/2008 9/6/2008 9/6/2008

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.**

9/16/2008 4:01 PM
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1						
25	Total Petrochemicals USA, Inc. facility in Carville, LA.	The TOTAL facility in Carville is currently utilizing temporary portable emergency combustion engines, including, but not limited to, electrical power generators, firewater pumps, air compressors, and associated fuel tank storage, until a time that normal operations can be restored. All records required by the Declaration of Emergency & Administrative Order – Hurricane Gustav will be maintained as recommended. If necessary, notifications relating to emissions limitations exceedences due to upset will be made in a timely manner. Facility asserts that as electrical power and natural gas supply returns, all pollution control equipment will be returned to	9/5/2008			
26	Enterprise Products Operating LLC Enterprise Gas Processing, LLC Dixie Pipeline Company Acadian Gas, LLC K/D/S Promix, L.L.C.	Notification of use of temporary and permitted generators during the recovery process following Hurricane Gustav. Power has been restored to several of the locations, but others will be without supplied power for many more days.	9/5/2008			
27	Valero Refining	Valero Refining is requesting that its Title V and PSD public comment period be extended until close of business Friday, September 12, 2008.	9/8/2008	Amended Emergency Order signed 9/6/08 including following language: "Any public comment period ending between August 29, 2008 and September 15, 2008 for facilities located in the parishes of the emergency declaration are hereby extended through September 26, 2008."		9/8/2008

Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.

9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
28	Cleco - multiple facilities throughout La.	Cleco is reporting that they had gray water discharges due to Hurricane Gustav and that those discharges will continue until the restoration effort is complete. The current locations of the discharges are: Showers: DeRidder Fairgrounds, DeRidder LA ; McKesson, Alexandria, LA; LA Youth Education Center, Bunkie, LA; Food Preparation: Northwood	9/8/2008	The facility was instructed to follow the conditions stated in Section 1.i (page 5) of the Emergency Order and submit specifics by October 15, and to include the agency interest (ai) number or permit number if available.		9/8/2008
29	North Landfill City of Baton Rouge/Parish of East Baton Rouge	Requesting change in operating hours from 5:30 am to 7:00 pm seven days a week until further notice.	9/8/2008	Approved		9/9/2008

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.**

9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
30	Plaquemine Deep Well Facility	Facility reporting a problem with storm water buildup at the Plaquemine Deep Well Facility. The facility does not have an LPDES discharge permit nor does it possess a storm water management permit. Storm water was historically deep welled but now the well is undergoing closure, it cannot be utilized to dispose of the accumulated hurricane storm water. The area around the deep well within the containment zone of the RCRA Subtitle C Permit has undergone surface closure. This area is bermed and has accumulated hurricane storm water. The facility requests to reduce the free board within the containment area, particularly in light of Ike, and requests to immediately begin discharge under the Emergency Declaration and Order Provisions signed By Secretary Leggett last week. Facility requests guidance on the applicability of the Emergency Declaration to their particular emergency issue and the appropriate LADEQ notification and recordkeeping requirements connected with this emergency discharge.	9/8/2008	Approved.		9/9/2008

Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.

9/16/2008 4:01 PM
By: Gretchen Soniat

	A	B	C	D	E	F
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1						
31	Motiva-Norco	Request for enforcement discretion	9/8/2008	For any noncompliance issues related to the Consent Decree, the facility needs to submit a request for <i>force majeure</i> per the provisions of the consent decree. For future events where the facility anticipates that there may be noncompliance issues (start-up from the hurricane shutdown for example) the facility should submit a variance request. For water quality issues, the facility is to follow the upset and bypass provisions per the regulations. If specific noncompliance issues that have already occurred and resulted from Hurricane Gustav are identified concerning water quality issues (such as missed sampling) or non Consent Decree air quality issues, the facility should request enforcement discretion for those identified specific events. The facility can submit requests for enforcement discretion. LDEQ will review specific requests for enforcement discretion and respond as appropriate.		9/9/2008

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.**

9/16/2008 4:01 PM
By: Gretchen Soniat

	A	B	C	D	E	F
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1						
32	Syngenta Crop Protection, Inc.	<p>Operation of temporary portable combustion engines did occur as the result of Hurricane Gustav.</p> <p>Operation of permitted internal combustion engines in excess of permitted limits did occur as the result of Hurricane Gustav.</p> <p>Throughput of gasoline in excess of permitted limits may occur as a result of Hurricane Gustav. This is an annual number and Syngenta will not know for certain until the end of the year.</p> <p>Syngenta will submit a report providing more details regarding these activities by October 15, 2008.</p>	9/8/2008			
33	Chevron Pipe Line Co - Empire-Ostrica Terminal Plaquemines Parish	Requesting emergency variance to allow the uncontrolled loading of crude oil until the vapor recovery facilities have been repaired.	9/8/2008			
34	Chevron Pipe Line Co - Fourchon Terminal Lafourche Parish	Requesting emergency variance to allow the uncontrolled storage and transfer of crude oil until the vapor recovery facilities have been repaired.	9/8/2008			

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.**

9/16/2008 4:01 PM
By: Gretchen Soniat

	A	B	C	D	E	F
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1						
35	Conoco Phillips Company - Alliance Refinery	<p>Requesting permission to operate the following equipment without certain emissions control equipment:</p> <ul style="list-style-type: none"> - Low and High Pressure Flares (308F-D-1&2/2779-V1): Due to Hurricane Gustav affecting the boilers, these flares may have visible emissions of PM during re-commissioning; therefore, the flares may be operated for a period of time without steam assistance for visible emissions control. - Wastewater Treatment Plant (308W): The wastewater treatment plant steam strippers are non-operational due to Hurricane Gustav and as such, VOC emissions from the wastewater treatment plant may potentially occur above the state permit limits in permit No. 1870-V0. - Fuel Tanker Truck Loading (303-Utilities/2778-V0): Alliance Refinery is providing fuel (gasoline and diesel) to assist in local area recovery efforts. Variance request is for 6 months. 	9/8/2008			

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.**

9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
36	AT&T - multiple locations throughout state of Louisiana	Notification of the usage of multiple portable emergency engines throughout the state of Louisiana for use for telecommunications during the storms and the aftermath.	9/8/2008			
37	ExxonMobil Lubricants & Petroleum Specialties Company	Notification of emergency discharge events consisting of untreated storm water from its North and South Tank Fields due to excessive amounts of rainfall associated with Hurricane Gustav.	9/8/2008			
38	Gordon's Disposal, LLC	Requesting confirmation that LDEQ has concluded that the handling of vegetative debris resulting from hurricanes or other natural disasters by Gordon's Disposal, LLC at its facility located in Iberia Parish in compliance with the operational conditions set out in the letter to Mayor Curry dated September 7, 2008, whether during or after the expiration of the 90-day period described in the said letter, does not violate Louisiana Revised Statute 30:2159.	9/9/2008	Gordon's Disposal, LLC, may recycle vegetative debris in accordance with the debris management plan and the letter of September 7, 2008, provided there are no objections from the FAA and the facility complies with all conditions set forth. Beneficial reuse or recycling of vegetative debris which does not result in disposal of said material is not prohibited by L.R.S. 30:2159. However, there may be other federal, state or local authorizations, requirements and guidance that apply to this activity and the facility is required to comply with any such applicable requirements.		9/9/2008

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.**

9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
39	Gordon's Disposal	Facility requesting permission/authority to dispose of C&D debris.	9/9/2008	Request denied.		9/13/2008
40	Entergy	Requesting usage of replacement generator for existing generator which failed during Hurricane Gustav and is in need of major rebuild. The emissions will be similar to the existing unit.	9/10/2008	Approved.		9/10/2008
41	Natural Resources Recovery, Inc., Ronaldson Field (NRRI)	NRRI requesting variance to operate Ronaldson Field during extended hours from 6 a.m. to 8 p.m. seven days for the duration of the recovery.	9/10/2008	Approved.		9/10/2008
42	Little Gypsy Unit 2	Variance request is needed as Hurricane Gustav and Ike have limited the natural gas supply from suppliers as the gas producing platforms in the Gulf of Mexico have shut down. Request variance in accordance with LAC 33:III.917 to allow and exception to specific requirements 57 and 77 or Title V permit 2520-00009-VI reference LAC 33:III.1101. and require opacity to be less than 20 %...	9/11/2008	Request Approved		9/12/2008

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
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9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
43	Valero-St. Charles	Facility reports difficulties in managing refinery fuel gas due to startup difficulties by consumers of Valero's excess low sulfur gas. In order to flare this excess fuel gas up to the criteria pollutant limits listed in permit, the facility is requesting a variance to use flares at 600 MMBTU/hr vs permitted 144 MM BTU/hr	9/12/2008	No excess emissions will occur. Variance approved. Facility to submit appropriate paperwork ASAP.		9/12/2008
44	Shell Chemical LP, Geismar Plant	PDO Unit: requesting emissions variance for 3 tanks (T-PD1901, T-PD1916, T-PD1904) that typically vent to COMFAC Flare (EPN 36A-97) that need to be restored before the flare can be restarted; tanks are idle but not empty and there may be breathing losses that are not currently being controlled by the flare.	9/12/2008			

**Index of variances/waivers issued Hurricane Gustav - September 1, 2008
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9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
45	Shell Geismar	Facility notifying of clarifier and biotreater problems; upset conditions reported to LDEQ. Requesting variance for new permit requirements or permit effective date extension.	9/12/2008			
46	Riverside Recycling (formerly Industrial Pipe, Inc.)	Requesting variance for a general deviation to authorize receipt of hurricane-generated debris via vessels in accordance with §2.e of the "Declaration of Emergency and Administrative Order" issued 9/1/08. <u>Updated 9/8/08</u> - Riverside intends to manage hurricane-related vegetative debris in	9/8/2008 9/10/08	Request withdrawn...no action by LDEQ needed.		9/10/2008

Index of variances/waivers issued Hurricane Gustav - September 1, 2008 by environmental agencies.

9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
47	Baton Rouge Propylene Concentrator Unit and ExxonMobil	Requesting a variance for the following estimated emissions from the flare, emission point M-01: 2000 pounds ethylene 1500 pounds propylene <u>Amended 9/10/08</u> - requesting to amend variance to double the emissions but half the daily rate.	9/8/2008 9/10/08	Approved - get follow-up ASAP Amended 9/11/08: approved		9/8/2008 9/11/08
48				8) Any rented Diesel Generators which are "affected facilities" under 40 CFR 60 Subpart IIII shall comply with all applicable requirements of that subpart. In accordance with 40 CFR 63.6590(c), (Subpart ZZZZ) compliance with 40 CFR 60 Subpart IIII for compression ignition engines is compliance with Subpart ZZZZ for area sources. Adoption of federal regulations by the state in no way voids or diminishes federal enforcement authority with respect to the federal		
49	BASF	Requesting variance for NOx emissions from Cogen Unit #2.		Verbal approval.		9/3/2008

Index of variances/waivers issued Hurricane Gustav - September 1, 2008
by environmental agencies.

9/16/2008 4:01 PM
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	A	B	C	D	E	F
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1						
50	CII Chalmette	Requesting variance to vent through the Pyroscrubber stack. The new permit, when issued, would allow up to 500 hours per year of venting through the stack.		Approved subject to the following conditions: 1. Rain CII Carbon shall make all reasonable attempts to repair the boiler as soon as practicable or implement temporary measures to minimize the amount of time the boiler vents through the pyroscrubber stack. A description of each repair attempt or temporary measure employed and the dates of such attempts shall be submitted to the Office of Environmental Services, Air Permits Division, by October 31, 2008. 2. Emissions from the pyroscrubber stack shall be limited to the following: a. opacity: <= 20%, except during the cleaning of a fire box or building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal or rapping of precipitators, which may have an opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes. b. TSP: <= 42.06 lb/hr c. TSP: <= 0.6 lb/MMBTU of heat input 3. During the variance period, monitor and record the total number of hours the pyroscrubber vents through the pyroscrubber stack. Make records available for inspection by DEQ personnel. These records shall be submitted to the Office of Environmental Services, Air Permits Division, by October 31, 2008.		9/7/2008
51	Rhodia, Inc.	Requesting extension of time for public comment period and public hearing on draft RCRA permit.				